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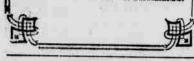


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The following is the decision rendered by Judge
Grier on the twenty-econon (22) day of September,
1839, in the Vaired States Circuit Court at Philadelphis. The case was arqued three days by Charles
M. Keller of New York, B. F. Lucas and S. A. Purriance of Pittsburgh, for defendants, and George
Harding of Philadelphia, and George H. Christy, of
Pittsburgh, for plantaff.

OPINION OF JUDGE GRIER.

Pitteburgh, for planniff.

OPINION OF JUDGE GRIER.

As I write with difficulty I can only state the conclusions to which my mind has come after a carein-examination of this case.

The complainant has exhibited a patent dated 25th of April, 1855. This is prima facts evidence of a good title, and puts on the respondents the burden of proof that the patent is void or worthless.

I need not repeat my remarks in this case of Goodycar vs. Day (2 Wall, C. C. Meg. 229.) but now adopt them as affording a rule of decision which applies clearly to the present case.

As the infringement of the patent is admitted, the only question will be as to the validity of complainants patent of April 23, 1858.

"It was after speculation had been reduced to practice," and after repeated experiments, that the complainant succeeded in overcuming the prejudice and ignerance of the people on the subject, and persuading the public that his invention was usend; after he had established its great mulity and value, and "when his genius and patient perseverance, in spite of ancers and scoffs," were completely successful, that Heed, who had before unde experiments on the same subject, and was unsuccessful, imagined that he had the best right to the invention, and after purchasing one or more complainant's torpedoes, he applied on the 1st of November, 1887, for a patent for substantially the same month the respondents formed themselves into a company or corporation cannot "The Reed Torpedo Company," for the purpose of printing the companions. In vention, and supporting the expense of Ringation, and thus defrand him of the fruits. They have per severed, even ster the predminary injunction very property granted by the District Judge.

Let a decree be entered for complainant for a perpetual injunction, and a Master appointed to take an account according to the neaver of the bill.

R. C. GRIER, Judge.

an account according to the prayer of the bill.

PATE.

R. C. GRIER, Judge.

NOTE.—The passage referred to by Judge Grier in his former decis'on, 8 Wallace, p. 299 adopted as applicable to this case was as follows:

"It is usually the case, when any valuable discovery is unde, or any new machine of great mility is invested, that the attention of the public has been inraed to that subject previously, and that many persons have been making researches and experiments. Philosophers and mechanicians may have means making researches and experiments. Philosophers and mechanicians may favor some measure anticipated in their speculations the possibility or probability of such discovery of invention; many experiments have been successfully tried, coming very mean yet failing short of the desired result. They have produced nothing beneficial. The invention when perfected may firstly be said to be the cuminating point of many experiments, and only by the inventor, but by many others, the may have profiled indirectly by the unsuccessful experiments and failures of others, but i gives them no right to claim a share of the he nor of the profit of the successful inventor. It is when speculation has been reduced to practice, when experiment has resulted in discovery and when that discovery has been perfected by patient and coult made experiments, when some now compound, art, manufacture, or macoine has been the produced which is useful to the public that the party anking it becomes a public heardactor and entitled to a patent, "And yet when genius and patient perseverancheve at length successful and entitled to a patent, "And yet when genius and patient perseverancheve at length succeeded, in side of sincers and scoffs, some valuable lavention or ciscovery, how achiom is it followed by reward! Envey noneccessful experimenter who did or did or did not come very near making a discovery now claims it. Every one who can invent an imprevement or very its form, claims a right to plane the original discovery. We need not summess Morse

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with a view to accommodate oil Mee in every part of the Oil Region. They have employed the most efficient Agents and Assistants that can be procured for the business. Each Torpedo 1: labelled, with date af patents, together with the price of the Torpedo, and signed by an officer of the Company, so every Operator whening a Torpedo may know its price and whether it came from our offics. The cators will confer a favor by reporting to this Office any negligence of Agents.

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